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HOUSE BILL 30

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

WILLIAM E. PORTER

AN ACT

**RELATING TO WILDLIFE; PROVIDING PROTECTION FOR AMPHIBIANS AND
REPTILES; AMENDING, REPEALING AND ENACTING CERTAIN SECTIONS OF
THE NMSA 1978.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**Section 1. Section 17-1-14 NMSA 1978 (being Laws 1921,
Chapter 35, Section 7, as amended) is amended to read:**

**"17-1-14. GENERAL POWERS AND DUTIES OF STATE GAME
COMMISSION--GAME PROTECTION FUND.--**

**A. The state game commission shall have general
control over the collection and disbursement of all money
collected or received under the state laws for the protection
and propagation of game and fish, which money shall be paid over
to the state treasurer to the credit of the game protection
fund, and the fund, including all earned income therefrom, shall**

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1 not be transferred to another fund. Chapter 17 NMSA 1978 shall
2 be guaranty to the person who pays for hunting and fishing
3 licenses and permits that the money in that fund shall not be
4 used for any purpose other than as provided in Chapter 17 NMSA
5 1978. The state game commission shall have authority:

6 (1) to establish and, through the director of
7 the department of game and fish, to operate fish hatcheries for
8 the purpose of stocking public waters of the state and to
9 furnish fish fry and fingerlings to stock private waters,
10 receipts from such sources to go into the game protection fund;

11 (2) to declare closed seasons in any specified
12 locality and on any species of game or fish threatened with
13 undue depletion from any cause;

14 (3) to establish game refuges for the purpose
15 of providing safe sanctuaries in which game may breed and
16 replenish adjacent hunting ranges, it being the purpose of this
17 provision to establish small refuges rather than large preserves
18 or to close large areas to hunting;

19 (4) to purchase lands for game refuges where
20 suitable public lands do not exist, to purchase lands for fish
21 hatcheries and to purchase lands to be maintained perpetually as
22 public hunting grounds, particularly lands suitable for
23 waterfowl hunting, all such lands to be paid for from the game
24 protection fund;

25 (5) to receive by gift or bequest, in the name

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1 and on behalf of the state, lands suitable for game refuges,
2 hunting grounds, fish hatcheries or for any other purpose
3 necessary to carry out the provisions of Chapter 17 NMSA 1978;

4 (6) to apply for and accept any state, federal
5 or private funds, grants or donations from any source for game
6 and fish programs and projects;

7 (7) to designate certain areas as rest grounds
8 for migratory birds, in which hunting shall be forbidden at all
9 times or at such times as the state game commission shall
10 provide, it being the purpose of this provision not to interfere
11 unduly with the hunting of waterfowl but to provide havens in
12 which they can rest and feed without molestation;

13 (8) to close any public stream or lake or
14 portion thereof to fishing when such action is necessary to
15 protect a recently stocked water, to protect spawning waters or
16 to prevent undue depletion of the fish;

17 (9) to propagate, capture, purchase, transport
18 or sell any species of game or fish needed for restocking any
19 lands or streams of the state;

20 (10) after reasonable notice and hearing, to
21 suspend or revoke any license or permit issued pursuant to the
22 provisions of Chapter 17 NMSA 1978 and withhold license
23 privileges for a definite period not to exceed three years from
24 any person procuring a license through misrepresentation,
25 violating any provisions of Chapter 17 NMSA 1978 or hunting

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1 without a proper license;

2 (11) to adopt regulations establishing
3 procedures that provide reasonable notice and a hearing before
4 the state game commission for the suspension, revocation or
5 withholding of license privileges of any person charged with
6 violating the provisions of Chapter 17 NMSA 1978, subject to
7 such judicial review as may be provided by law;

8 (12) to conduct studies of programs for the
9 management of endangered and nongame species of wildlife; ~~[and]~~

10 (13) to establish licenses, permits and
11 certificates not otherwise provided for in Section 17-3-13 NMSA
12 1978 and to charge and collect just and reasonable fees for
13 them; provided the fees shall not exceed the costs of
14 administration associated with the licenses, permits or
15 certificates; and

16 (14) to regulate or prohibit the taking,
17 killing or capturing of amphibians or reptiles in connection
18 with a commercial activity or public event.

19 B. The director of the department of game and fish
20 shall exercise all the powers and duties conferred upon the
21 state game and fish warden by all previous statutes now in force
22 not in conflict with Chapter 17 NMSA 1978.

23 C. The state game commission shall have authority to
24 prohibit all hunting in periods of extreme forest fire danger at
25 such times and places as may be necessary to reduce the danger

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1 of destructive forest fires.

2 D. The hunting, pursuing, capturing, killing or
3 wounding of any game animals, birds or fish in or upon any game
4 refuge, rest ground or closed water or closed area or during any
5 closed season established or proclaimed by the state game
6 commission in accordance with the authority conferred in Chapter
7 17 NMSA 1978 constitutes a misdemeanor and shall be punishable
8 as prescribed in Chapter 17 NMSA 1978. "

9 Section 2. Section 17-2-15 NMSA 1978 (being Laws 1941,
10 Chapter 32, Section 1) is repealed and a new Section 17-2-15
11 NMSA 1978 is enacted to read:

12 "17-2-15. [NEW MATERIAL] AMPHIBIANS AND REPTILES-- SALE OR
13 PURCHASE PROHIBITED. --

14 A. No person shall sell, offer for sale, barter,
15 purchase, offer to purchase, export or transport from the state
16 any native amphibian or reptile, alive or dead, parts of these
17 animals or products made from these animals except as permitted
18 by regulations adopted by the state game commission.

19 B. The state game commission shall adopt regulations
20 to administer the provisions of this section, taking into
21 primary consideration the health of wild populations of native
22 amphibians and reptiles and the humane and healthful treatment
23 of captive-bred populations.

24 C. The provisions of this section shall not be
25 construed to prohibit the possession of native amphibians or

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1 reptiles for the purpose of captive breeding in New Mexico or
2 subsequent sale of the offspring, the collection of native
3 amphibians or reptiles for use as personal pets within New
4 Mexico, nor the collection, sale or purchase of waterdogs for
5 use as bait in New Mexico, as permitted by regulation of the
6 state game commission. "

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State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

February 4, 1997

Mr. Speaker:

Your AGRICULTURE AND WATER RESOURCES COMMITTEE,
to whom has been referred

HOUSE BILL 30

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 6, line 4, after "purchase" strike "of waterdogs"
and insert in lieu thereof "of tiger salamanders, *Ambystoma*
tigrinum, commonly called waterdogs, ".

2. On page 6, line 6, after the period insert "However,
there shall be no prohibition against killing of venomous reptiles
in defense of persons or private property.",.

and thence referred to the JUDICIARY COMMITTEE.

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HAGC\HB 30

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Respectfully submitted,

G. X. McSherry, Chairman

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

Excused: Stell, Wright

Absent: None

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State of New Mexico House of Representatives

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

February 15, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 30, as amended

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Thomas P. Foy, Chairman

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 7 For 2 Against

Yes: 7

No: Alwin, Mallory

Excused: Carpenter, Rios, Stewart, Pederson

Absent: None

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FORTY-THIRD LEGISLATURE

FIRST SESSION

February 18, 1997

HOUSE FLOOR AMENDMENT number 1 to HOUSE BILL 30, as amended

Amendment sponsored by Representative William E. Porter

1. On page 5, line 22, after "reptiles" insert a period, strike the remainder of the line and strike line 23.

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FORTY-THIRD LEGISLATURE
FIRST SESSION

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HB 30

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William E. Porter

Adopted _____ **Not Adopted** _____
(Chief Clerk) **(Chief Clerk)**

Date _____

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FORTY-THIRD LEGISLATURE
FIRST SESSION

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4 FORTY-THIRD LEGISLATURE
5 FIRST SESSION, 1997

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March 5, 1997

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Mr. President:

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Your CONSERVATION COMMITTEE, to whom has been referred

11

12 HOUSE BILL 30, as amended

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has had it under consideration and reports same with recommendation that
15 it DO PASS, and thence referred to the JUDICIARY COMMITTEE.

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Respectfully submitted,

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Michael S. Sanchez, Chairman

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Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

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FORTY-THIRD LEGISLATURE
FIRST SESSION

1 HB 30

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Date _____

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The roll call vote was 5 For 4 Against

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Yes: 5

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No: Davis, Griego, Kysar, Lyons

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Excused: Eisenstadt

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Absent: None

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HB 30/a

March 16, 1997

Mr. President:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 30, as amended

has had it under consideration and reports same with recommendation that
it DO PASS, amended as follows:

1. Strike House Agriculture and Water Resources Committee

Amendment 2.

2. On page 6, line 6, after the period insert "However, there
shall be no prohibition against killing of venomous reptiles.",

and thence referred to the FINANCE COMMITTEE.

Respectfully submitted,

Fernando R. Macias, Chairman

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**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 6 For 1 Against

Yes: 6

No: Vernon

Excused: Sanchez

Absent: None

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